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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,584	08/03/2000	Masaki Seike	32857	9239

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EXAMINER

HARRY, ANDREW T

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PD

Office Action Summary

Application No.

09/630,584

Applicant(s)

SEIKE ET AL.

Examiner

Andrew T Harry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Claims 1-7 are rejected under 35 USC § 112

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The Examiner used his best judgment in interpreting the claims as clearly as possible, thus resulting in the prior art rejection below

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, and 6-7 are furthermore rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6, and 7 all include the phrase “high updating frequency” when describing the data that is saved into the claimed devices memory and this term is ambiguous. The Examiner

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requests that the Applicant provides clarification by amending the claims and more specifically stating what is meant by “high updating frequency”.

Claims 1-7 are unpatentable over Rakers

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by ***Mustafa et al.*** **U.S. Patent 6,243,831** (“*Mustafa*”).

As pertaining to **claim 1**, *Mustafa* teaches a mobile communication terminal comprising: an information managing portion (see *Mustafa*, col. 4 lines 1-8); and

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a nonvolatile storing medium managed by the information managing portion, which has a plurality of memory areas for storing same information items (see *Mustafa*, col. 4 line 59-col. 5 line 7),

wherein said information managing portion stores sequentially the same information items having a high updating frequency in a plurality of memory areas respectively (see *Mustafa*, col. 7 lines 10-18).

As pertaining to **claim 2**, in *Mustafa*'s terminal the information-managing portion manages the stored data in a way such that it knows which data are the newest and most updated sequences of information (see *Mustafa*, col. 8 lines 7-65). Furthermore the data being stored is data that is updated very frequently as it is information regarding the current status of the computing device (see *Mustafa*, col. 6 lines 30-38).

As pertaining to **claim 3**, *Mustafa* teaches a mobile communication terminal comprising:
an information managing portion (see *Mustafa*, col. 4 lines 1-8); and
a nonvolatile storing medium and a volatile storing medium both managed by the information managing portion (see *Mustafa*, col. 4 lines 22-67);

wherein said information managing portion stores same information into the nonvolatile storing medium and the volatile storing medium (see *Mustafa*, col. 7 lines 9-11), then checks consistency between the nonvolatile storing medium and the volatile storing medium in an initial state such as turning-ON of a power supply (see *Mustafa*, col. 8 lines 30-43), and then looks up the information stored in the nonvolatile storing medium as the information having normality if lack of the consistency of the information stored in the volatile storing medium is caused (see *Mustafa*, col. 8 lines 43-57).

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As pertaining to **claim 4**, in *Mustafa*'s terminal the information managing portion checks the normality of the information by comparing with the information stored in the nonvolatile storing medium unless lack of the consistency of the information stored in the volatile storing medium is caused (see *Mustafa*, col. 8 lines 30-57).

As pertaining to **claim 5**, in *Mustafa*'s terminal the information-managing portion stores same information into the nonvolatile storing medium and the volatile storing medium at different timings (see *Mustafa*, col. 7 lines 9-18).

As pertaining to **claim 6**, in *Mustafa*'s terminal the nonvolatile storing medium has a plurality of memory area for storing same information items, and said information managing portion stores sequentially the same information items having a high updating frequency into a plurality of memory areas of the nonvolatile storing medium (see *Mustafa*, col. 8 lines 43-57, *Mustafa* teaches that multiple files can be stored in the nonvolatile RAM and that as the information being saved is a "screen snapshot" that it is clearly updated regularly in the volatile and nonvolatile memory).

As pertaining to **claim 7**, in *Mustafa*'s terminal the nonvolatile storing medium has a plurality of memory area for storing same information items, and said information-managing portion attaches management numbers (file numbers) indicating updated sequences upon storing information having a high updating frequency to the nonvolatile storing medium at a time of updating the information, and then decides the updated sequences of the information having the high updating frequency based on the management numbers when the information managing portion looks up the information in the nonvolatile storing medium (see *Mustafa*, col. 7 line 5-

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col. 8 line 65, *Mustafa* teaches how the device stores the most current memory for volatile memory to nonvolatile memory and how the most recent data can be retrieved).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B. Rakers et al. U.S. Patent 6,317,755 teaches a method and apparatus for data backup and restoration in a portable data device.

C. Crump et al. U.S. Patent 5,603,038 teaches an automatic restoration of user options after power loss.

D. Miller et al. U.S. Patent 6,397,351 teaches a method and apparatus for rapid data restoration including on-demand output of sorted logged changes.

E. Alanara U.S. Patent 6,064,880 teaches a mobile station having short code memory system-level backup and restoration function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Harry whose telephone number is 703-305-4749. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ATH
January 22, 2003

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1/24/03
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